

NEW APPLICATION

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August 29, 2008

BY HAND-DELIVERY

Docket Control Center
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007-2927

Arizona Corporation Commission
DOCKETED

AUG 29 2008

DOCKETED BY	nr
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Re: Sunesys, LLC

T-20456A-08-0452

**IN THE MATTER OF THE VERIFIED APPLICATION OF
SUNESYS, LLC FOR CANCELLATION OF CERTIFICATE OF
CONVENIENCE AND NECESSITY TO PROVIDE COMPETITIVE
FACILITIES-BASED LONG DISTANCE, FACILITIES-BASED
LOCAL EXCHANGE AND PRIVATE LINE
TELECOMMUNICATIONS SERVICES**

Dear Sir/Madam:

Transmitted herewith on behalf of Sunesys, LLC are an original and fifteen (15) paper copies of the above-referenced Application.

Should any questions arise with respect to this matter, please communicate directly with this office.

Very truly yours,

Gretchen A. Dixon
Attorney for Sunesys, LLC

Enclosures

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

MIKE GLEASON – Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
KRISTIN K. MAYES
GARY PIERCE

IN THE MATTER OF THE VERIFIED
APPLICATION OF SUNESYS, LLC
FOR CANCELLATION OF
CERTIFICATE OF CONVENIENCE
AND NECESSITY TO PROVIDE
COMPETITIVE FACILITIES-BASED
LONG DISTANCE, FACILITIES-BASED
LOCAL EXCHANGE AND PRIVATE
LINE TELECOMMUNICATIONS
SERVICES

DOCKET NO. _____

**VERIFIED APPLICATION FOR
CANCELLATION OF CERTIFICATE
OF CONVENIENCE AND NECESSITY**

EXPEDITED ACTION REQUESTED

Sunesys, LLC (“Sunesys”), by its attorneys and pursuant to the rules and policies of the Arizona Corporation Commission (“Commission”), hereby respectfully requests approval of the Commission for cancellation, on an expedited basis, of Sunesys’ Certificate of Convenience and Necessity to provide competitive facilities-based long distance, facilities-based local exchange and private line telecommunications services in the State of Arizona issued pursuant to Decision 70292 in Docket T-20456A-06-0266.

In support of this Application, Sunesys states as follows.

1. Pursuant to Decision No. 70292, Sunesys was certified in the State of Arizona to provide facilities-based long distance, facilities-based local exchange and private line telecommunications services (See Docket No. T-20456A-06-0266. Decision No. 70292). On May 21, 2008, Sunesys filed a Performance Bond with the Commission in compliance with the

requirements set forth in Decision No. 70292. Sunesys is a public service corporation within the meaning of Article XV of the Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

2. Sunesys is not providing, and has never to date provided, service in Arizona pursuant to the Certificate of Convenience and Necessity issued pursuant to Decision 70292 ("CC&N"). Subsequent to the issuance of the CC&N, Sunesys concluded that it has no intention to provide telecommunications service in Arizona in the future pursuant to the CC&N.

3. Sunesys does not serve any aspect of the telecommunications market in Arizona and has no customers in Arizona. Thus, Sunesys has not collected any advanced payments, deposits, and/or prepayments in Arizona from customers.

4. There have been no customer complaints, inquiries or opinions filed with the Commission against Sunesys. Sunesys is in good standing with the Commission.

5. Because Sunesys has never had customers in Arizona and never collected any advanced payments, deposits and/or prepayments, Sunesys respectfully requests a waiver of the provisions of A.A.C. R14-2-1107(A)(2)-(4), and (B), which requires provision to customers of a list of alternate providers, a plan for refund, and notice of the cancellation to customers. Such waiver is consistent with Commission policy and precedent. See, e.g., Decision 70178, p.2 (Application of Telecom Resources, Inc. for cancellation of CC&N).

6. There are numerous other Competitive Local Exchange Carriers ("CLECs") offering local exchange service in Arizona. In addition, as stated above, Sunesys does not currently have, nor has it ever had, any customers in Arizona. As further explained above, Sunesys has never collected any advanced payments, deposits and/or prepayments in Arizona from customers. Accordingly, there will be no service or economic risk associated with the cancellation of Sunesys' CC&N, and Sunesys respectfully requests that the Commission find that

Sunesys' instant Application to cancel its CC&N for facilities-based long distance, facilities-based local exchange and private line telecommunications services within the State of Arizona be approved.

7. Pursuant to A.R.S. § 40-282, the Commission may issue decisions regarding Certificates of Convenience and Necessity for certain telecommunications services without a hearing. Sunesys respectfully requests that this Application be approved without a hearing. See, e.g., Decision 70178, p.2 (Application of Telecom Resources, Inc. for cancellation of CC&N).

8. Sunesys respectfully requests that the Commission process and approve this Application on an expedited basis. To assist in the expedited processing and grant of this Application, Sunesys has prepared and attached to this Application a draft Staff Report and Order.

9. Designated Contacts

The designated contacts for questions concerning this Application are:

Gretchen A. Dixon, Esquire (Arizona Bar No. 023182)
Arent Fox LLP
1050 Connecticut Avenue, NW
Washington, DC 20036
Phone: (202) 775-5772
Fax: (202) 857-6395
dixong@arentfox.com

Copies of any correspondence should also be sent to the following designated representatives of Sunesys:

Jeffrey E. Rummel, Esquire
Arent Fox LLP
1050 Connecticut Avenue, NW
Washington, DC 20036
(202) 715-8479 – phone
(202) 857-6395 – fax
rummelj@arentfox.com

and

Tana Pool
General Counsel
Quanta Services, Inc.
1360 Post Oak Blvd., Ste. 2100
Houston, TX 77056-3023
(713) 985-6412 – phone
(713) 629-7639 – fax
tpool@quantaservices.com

and

Paul Bradshaw, Senior Counsel
Sunesys, LLC
185 Titus Avenue
Warrington, PA 18976
(267) 927-2000 – phone
(267) 927-2090 – fax
pbradshaw@sunesys.com

WHEREFORE, Sunesys respectfully requests that the Commission:

A. Approve, on an expedited basis, the cancellation of Sunesys' Certificate of Convenience and Necessity to provide competitive facilities-based long distance, facilities-based local exchange and private line telecommunications services in the State of Arizona issued pursuant to Decision 70292 in Docket T-20456A-06-0266;

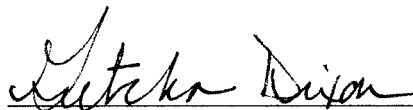
B. Grant such other approvals and authorizations as may be required in order for this Application to be approved;

C. Grant this Application without a hearing.

RESPECTFULLY SUBMITTED this 29th day of August, 2008.

SUNESYS, LLC

By:



Gretchen A. Dixon, Esquire (Arizona Bar No. 023182)
ARENT FOX LLP
1050 Connecticut Avenue, NW
Washington, DC 20036
Phone : (202) 775-5772
Fax: (202) 857-6395
ITS ATTORNEYS

On this 29th day of August, 2008, I caused an original and fifteen (15) copies of the foregoing to be transmitted by hand-delivery with:


Docket Control
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, Arizona 85007



Jeffrey E. Rummel

VERIFICATION

I, Kenneth W. Trawick, hereby state that I am a Vice President of Sunesys, LLC, and am authorized to make this verification on its behalf, that the foregoing Application was prepared under my direction and supervision; that I have read the foregoing Application and know the contents thereof; and that the same are true of my own knowledge, except as to the matters which are therein stated on information and belief, and as to those matters, I believe them to be true. I declare under penalty of perjury that the foregoing is true and correct.


Kenneth W. Trawick, Vice President

Subscribed and sworn to before me this 28th day of August, 2008.


Notary Public



My Commission expires: 4-24-12

DRAFT STAFF REPORT

MEMORANDUM

TO: Docket Control

FROM: Ernest G. Johnson
Director
Utilities Division

DATE:

RE: IN THE MATTER OF THE VERIFIED APPLICATION OF SUNESYS, LLC
FOR CANCELLATION OF CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE COMPETITIVE FACILITIES-BASED LONG
DISTANCE, FACILITIES-BASED LOCAL EXCHANGE AND PRIVATE
LINE TELECOMMUNICATIONS SERVICES

Attached is the Staff Report for the above referenced application. The applicant is applying for approval to cancel its Certificate of Convenience and Necessity ("CC&N") to provide the following services:

- Facilities-Based Long Distance Telecommunications Services
- Facilities-Based Local Exchange Telecommunications Services
- Private Line Telecommunications Services

Originator:

STAFF REPORT
UTILITIES DIVISION
ARIZONA CORPORATION COMMISSION

SUNESYS, LLC
DOCKET NO. _____

IN THE MATTER OF THE VERIFIED APPLICATION OF SUNESYS, LLC FOR
CANCELLATION OF CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE
COMPETITIVE FACILITIES-BASED LONG DISTANCE, FACILITIES-BASED LOCAL
EXCHANGE AND PRIVATE LINE TELECOMMUNICATIONS SERVICES

SEPTEMBER 2008

STAFF ACKNOWLEDGEMENT

The Staff Report for the application of Sunesys, LLC, Docket No. _____, for approval to cancel its Certificate of Convenience and Necessity to provide competitive facilities-based long distance, facilities-based local exchange and private line telecommunications services in the State of Arizona was the responsibility of the staff member listed below. _____ was responsible for the review and analysis of the application to cancel competitive facilities-based long distance, facilities-based local exchange and private line telecommunications services in the State of Arizona

INTRODUCTION

On _____, 2008, Sunesys, LLC ("Sunesys") filed an application to cancel its Certificate of Convenience and Necessity ("CC&N") to provide competitive facilities-based long distance, facilities-based local exchange and private line telecommunications services in the State of Arizona.

BACKGROUND

On April 24, 2008, in Decision No. 70292, the Commission granted Sunesys a CC&N to provide competitive facilities-based long distance, facilities-based local exchange and private line telecommunications services in the State of Arizona. Sunesys requests Commission approval to cancel its CC&N. On May 21, 2008, Sunesys filed a Performance Bond with the Commission in compliance with the requirements set forth in Decision No. 70292. Sunesys is a public service corporation within the meaning of Article XV of the Arizona Constitution and A.R.S. § 40-281 and 40-282.

STAFF ANALYSIS

Sunesys filed an application to cancel its CC&N on _____, 2008, stating that the company never initiated competitive facilities-based long distance, facilities-based local exchange and private line telecommunications services in the State of Arizona. Furthermore, Sunesys does not serve any aspect of the telecommunications market in Arizona. Sunesys has not collected any advanced payments, deposits, and/or prepayments. Sunesys states that it has no intention to provide telecommunications service in Arizona in the future pursuant to the CC&N. Staff therefore believes there will be no service or economic risk associated with the cancellation of Sunesys' CC&N.

Consumer Services Staff has indicated that from _____ to current, there have been no complaints, inquiries, or opinions filed for Sunesys. Sunesys is in good standing with the Commission.

Sunesys has no affected customers to notify.

RECOMMENDATIONS

Since there are numerous other Competitive Local Exchange Carriers ("CLECs") offering local exchange service and Sunesys does not currently have nor has ever had any local exchange service customers in Arizona, Staff recommends that Sunesys' application to cancel its CC&N for competitive facilities-based long distance, facilities-based local exchange and private line telecommunications services within the State of Arizona be approved.

In accordance with the request of Sunesys, Staff recommends that requirements in A.A.C. R-14-2-1107 for companies intending to discontinue or abandon service be waived since Sunesys did not provide competitive facilities-based long distance, facilities-based local exchange or private line telecommunications services since receiving its CC&N authority.

Pursuant to A.R.S. § 40-282, the Commission may issue decisions regarding Certificates of Convenience and Necessity for certain telecommunications services without a hearing. Staff recommends that Sunesys' application be approved without a hearing.

SERVICE LIST FOR: Sunesys, LLC
DOCKET NO.: _____

DRAFT ORDER

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

MIKE GLEASON – Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
KRISTIN K. MAYES
GARY PIERCE

IN THE MATTER OF THE VERIFIED
APPLICATION OF SUNESYS, LLC
FOR CANCELLATION OF
CERTIFICATE OF CONVENIENCE
AND NECESSITY TO PROVIDE
COMPETITIVE FACILITIES-BASED
LONG DISTANCE, FACILITIES-BASED
LOCAL EXCHANGE AND PRIVATE
LINE TELECOMMUNICATIONS
SERVICES

DOCKET NO. _____

DECISION NO. _____

ORDER

Open Meeting
_____ and _____, 2008
Phoenix, Arizona

BY THE COMMISSION:

Having considered the entire record herein and being fully advised in the premises, the Arizona Corporation Commission (“Commission”) finds, concludes, and orders that:

FINDINGS OF FACT

1. Sunesys, LLC (“Company”) has a Certificate of Convenience and Necessity (“Certificate”) to provide competitive facilities-based long distance, facilities-based local exchange and private line telecommunications services in the State of Arizona pursuant to Decision 70292 (April 24, 2008).
2. On _____, 2008, the Company filed with the Commission an application for cancellation of its Certificate (“Application”). The Company indicated that it has never

provided service in Arizona and has no plans to do so in the future. No customer notice regarding the Application was provided.

3. On _____, 2008, Staff filed its Staff Report recommending cancellation of the Company's Certificate.

4. Staff verified that the Company does not serve the Arizona telecommunications market and has not collected any advance payments, deposits, and/or prepayments and has no customers. As such, and because there exist in Arizona other competitive local exchange carriers, Staff recommended approval of the Company's Application to cancel its Certificate.

5. The Commission's Consumer Services Section of the Commission's Utilities Division reported that there were no customer complaints, inquiries or opinions against the Company from _____ to the present.

6. According to the Staff Report, the Commission's Corporation Division stated that the Company was in good standing.

7. Because the Company has never had customers in Arizona and never collected any advanced payments, deposits and/or prepayments, the provisions of A.A.C. R14-2-1107(A)(2)-(4), and (B), requiring provision to customers of a list of alternate providers, a plan for refund, and notice of the cancellation to customers, are hereby waived.

8. Giving the foregoing, Staff's recommendation is reasonable.

CONCLUSIONS OF LAW

1. The Company is a public service corporation within the meaning of Article XV of the Arizona Constitution and A.R.S. § § 40-281 and 40-282.

2. The Commission has jurisdiction over the Company and the subject matter of the application.

3. The cancellation of the Company's Certificate is in the public interest.
4. Pursuant to A.R.S. § 40-282, the Commission may issue decisions regarding Certificates of Convenience and Necessity for certain telecommunication services without a hearing.
5. Staff's recommendation is reasonable and should be adopted.

ORDER

IT IS THEREFORE ORDERED that the application of Sunesys LLC for the cancellation of its Certificate of Convenience and Necessity to provide competitive facilities-based long distance, facilities-based local exchange and private line telecommunications services in the State of Arizona pursuant to Decision 70292 shall be, and is hereby, approved, and the Certificate of Convenience and Necessity is cancelled.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, DEAN S. MILLER, Interim Executive Director of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this ____ day of ____, 2008.

DEAN S. MILLER
INTERIM EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____